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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,547	07/20/2004	Gwendolyn Fournier	U04-0141.97	4546
24239 7590 07/19/2007 MOORE & VAN ALLEN PLLC P.O. BOX 13706 Research Triangle Park, NC 27709			EXAMINER DEAN, RAYMOND S	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 07/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/710,547

Applicant(s)

FOURNIER ET AL.

Examiner

Raymond S. Dean

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-- The MAILING DATE of this communication appears on the cover sheet, with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments, see remarks filed May 1, 2007 with respect to rejection of Claims 5 – 8 under 35 U.S.C. 101 have been fully considered and are persuasive. The rejection of Claims 5 – 8 under 35 U.S.C. 101 has been withdrawn.

2. Applicant's arguments filed May 1, 2007, with regards to rejection of Claims 1 – 8 under 35 U.S.C. 102(e), have been fully considered but they are not persuasive.

The cited passages of Xue teach sending a message to the GLMS, which is the PTT server, requesting activation of a DnD setting associated with a mobile terminal's access list. The activation of the DnD setting renders no incoming call or other forms of alerting to the user thus preventing said user from being disturbed, which is a silent mode. Xue thus, when one applies the broadest reasonable interpretation to the claims, teaches the limitation in question. Applicants assert on Page 6, 5th paragraph of the Remarks "This manual answer mode creates a "silent mode" for incoming PTT calls by not allowing the mobile terminal to be automatically connected to another PoC or PTT device. Thus, "silent mode" is enabled after the PTT server has disabled the PoC global setting for the access list, and calls from those on the accept list will be received by the PoC user via manual mode. The accept list is still "in_use" but the automatic/manual answer mode has been forced to manual (which can be set to vibrate to prevent audible interruptions) until deactivated by the user." Applicants need to further define the claims

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such that these above features are made evident. The current outstanding claims are very broad and thus read on Xue.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Xue et al. (US 2005/0192039).

Regarding Claim 1, Xue teaches in a mobile terminal, a method of activating a silent mode for PTT calls, the method comprising: activating a silent mode for the mobile terminal that includes sending a message instructing a PTT server to disable the PoC global setting associated with the mobile terminal's PTT server accept list (Sections 0003 lines 23 – 28, 0004 lines 1 – 7, 0005, 0008 lines 3 – 17, 0036, when the DnD flags are set to particular states the user will not be disturbed, which is the silent mode).

Regarding Claim 2, Xue teaches in a mobile terminal, a method of deactivating a silent mode for PTT calls, the method comprising: deactivating a silent mode for the

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mobile terminal that includes sending a message instructing a PTT server to enable the PoC global setting associated with the mobile terminal's PTT server accept list (Sections 0003 lines 23 – 28, 0004 lines 1 – 7, 0005, 0008 lines 3 – 17, 0036, when the DnD flags are set to particular states the user will be disturbed, which means that the silent mode will be deactivated).

Regarding Claim 3, Xue teaches in a PTT server, a method of activating a silent mode for PTT calls for a client mobile terminal, the method comprising receiving a message from the client mobile terminal instructing the PTT server to disable the PoC global setting associated with the client mobile terminal's PTT server accept list, said message the result of the mobile terminal activating a silent mode (Sections 0003 lines 23 – 28, 0004 lines 1 – 7, 0005, 0008 lines 3 – 17, 0036, GLMS is the PTT server, when the DnD flags are set to particular states the user will not be disturbed, which is the silent mode).

Regarding Claim 4, Xue teaches in a PTT server, a method of deactivating a silent mode for PTT calls for a client mobile terminal, the method comprising receiving a message from the client mobile terminal instructing the PTT server to enable the PoC global setting associated with the client mobile terminal's PTT server accept list, said message the result of the mobile terminal deactivating a silent mode (Sections 0003 lines 23 – 28, 0004 lines 1 – 7, 0005, 0008 lines 3 – 17, 0036, GLMS is the PTT server, when the DnD flags are set to particular states the user will be disturbed, which means that the silent mode will be deactivated).

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Regarding Claim 5, Xue teaches in a mobile terminal, a computer readable medium storing a computer program product for activating a silent mode for PTT calls, the computer readable medium comprising: computer program code for activating a silent mode for the mobile terminal that includes computer program code for sending a message instructing a PTT server to disable the PoC global setting associated with the mobile terminal's PTT server accept list (Sections 0003 lines 23 – 28, 0004 lines 1 – 7, 0005, 0008 lines 3 – 17, 0031 lines 3 – 7, 0036, when the DnD flags are set to particular states the user will not be disturbed, which is the silent mode).

Regarding Claim 6, Xue teaches in a mobile terminal, a computer readable medium storing a computer program product for deactivating a silent mode for PTT calls, the computer readable medium comprising: computer program code for deactivating a silent mode for the mobile terminal that includes computer program code for sending a message instructing a PTT server to enable the PoC global setting associated with the mobile terminal's PTT server accept list (Sections 0003 lines 23 – 28, 0004 lines 1 – 7, 0005, 0008 lines 3 – 17, 0031 lines 3 – 7, 0036, when the DnD flags are set to particular states the user will be disturbed, which means that the silent mode will be deactivated).

Regarding Claim 7, Xue teaches in a PTT server, a computer readable medium storing a computer program product for activating a silent mode for PTT calls for a client mobile terminal, the computer readable medium comprising: computer program code for receiving a message from the client mobile terminal instructing the PTT server to disable the PoC global setting associated with the client mobile terminal's PTT server

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accept list, said message the result of the mobile terminal activating a silent mode (Sections 0003 lines 23 – 28, 0004 lines 1 – 7, 0005, 0008 lines 3 – 17, 0031 lines 3 – 7, 0036, GLMS is the PTT server, when the DnD flags are set to particular states the user will not be disturbed, which is the silent mode).

Regarding Claim 8, Xue teaches in a PTT server, a computer readable medium storing a computer program product for deactivating a silent mode for PTT calls for a client mobile terminal, the computer readable medium comprising: computer program code for receiving a message from the client mobile terminal instructing the PTT server to enable the PoC global setting associated with the client mobile terminal's PTT server accept list, said message the result of the mobile terminal deactivating a silent mode (Sections 0003 lines 23 – 28, 0004 lines 1 – 7, 0005, 0008 lines 3 – 17, 0031 lines 3 – 7, 0036, GLMS is the PTT server, when the DnD flags are set to particular states the user will be disturbed, which means that the silent mode will be deactivated).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

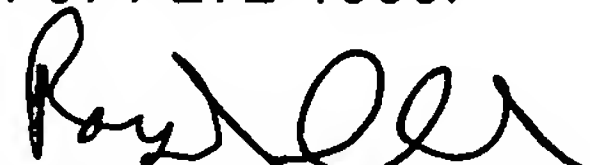
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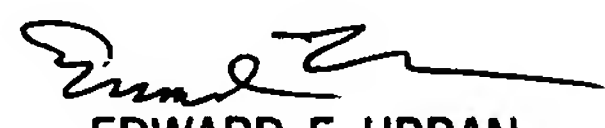
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S. Dean whose telephone number is 571-272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Raymond S. Dean
July 5, 2007


EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600